

Listing of Claims:

1. (Original) A drive apparatus for performing a pseudo-overwrite recording for a write-once recording medium, wherein
 - the write-once recording medium includes a spare area and a user data area,
 - at least one track are allocated in the user data area,
 - the drive apparatus comprising:
 - a recording/reproduction section for performing a recording operation or a reproduction operation for the write-once recording medium; and
 - a drive control section for controlling the recording/reproduction section,
 - wherein the drive control section performs a process including:
 - receiving a recording instruction including a location at which data is to be recorded;
 - determining a track among at least one tracks corresponding to the location included in the recording instruction;
 - controlling the recording/reproduction section to record data at a replacement location in the user data area instead of the location included in the recording instruction;
 - determining whether or not the recording of the data at the replacement location in the user data area has succeeded; and
 - when the recording of the data at the replacement location in the user data area has failed, controlling the recording/reproduction section to record the data at a location in the spare area.
2. (Original) A drive apparatus according to claim 1, wherein
 - the drive control section performs a process further including:
 - determining whether or not the recording of the data at the location in the spare area has succeeded; and
 - when the recording of the data at the location in the spare area has failed, controlling the recording/reproduction section to record the data in the spare area until the recording of the data in the spare area has succeeded.
3. (Original) A drive apparatus according to claim 1, wherein the determined track is an open track.

4. (Original) A drive apparatus according to claim 1, wherein the determined track is a closed track having an unrecorded area.

Claims 5 and 6 (Cancelled)